

**Excerpt from DRAFT Town of Amherst Planning Commission Minutes  
Re Augustine SUP Application - May 7, 2014**

Augustine Special Use Permit Application - 138 Garland Avenue

At 7:31 PM a duly advertized public hearing was opened on an application from Duncan and Janice Augustine for a special use permit that would, if approved, allow a 5-room bed and breakfast along with on-site events such as wedding receptions and "teas" at their house at 138 Garland Avenue. The property (Tax Map 96A4-A-55 & 95A3-A3-11) contains 5.566 Ac and is zoned R-2.

It was reported that County real estate assessment records indicate that the 7,964 SF dwelling there was built in 1789. The Augustines have owned the property since 1999; a detailed history of the site can be found in the documentation supporting its listing on historic register lists at [http://www.dhr.virginia.gov/register/Counties/Amherst/163-0003\\_Edgewood\\_2006\\_NR\\_final.pdf](http://www.dhr.virginia.gov/register/Counties/Amherst/163-0003_Edgewood_2006_NR_final.pdf). No new construction is contemplated under the proposal.

Per materials provided to the Commission, the Zoning and Subdivision Ordinance requires:

- approval of a Special Use Permit for a bed and breakfast as an accessory use (Table 7.1) under standards at Sec. 18.1-1003.03.4 of the Town Code,
- the operator of the bed and breakfast establishment must be an owner/occupant (see Table 7.1),
- small identification signs for such establishments; these are allowed by right (Sec. 18.1-908.03a), and
- one parking space per bedroom plus two for the main dwelling (Sec. 18.1-602.06a&b) located behind the front setback (Table 7.1), and

Letters expressing concern about the proposed change in use from Anne Day Garrison and William and Ann Tucker were received. Two different petition documents containing signatures from individuals living near the Augustine property were received.

Pat Malchow, 154 Garland Avenue, suggested an entrance directly from Main Street for events due to the potential for more parking problems along Garland Avenue. She suggested that music associated with on-site events should stop by a specified hour and that on-site parking for events should be required. She indicated that she did not object to the bed and breakfast portion of the proposal.

Ann Garrison, 140 Garland Avenue, expressed her objection to the on-site event portion of the application. She asked for good clarification of how the bed and breakfast business would be operated.

Ann Tucker, 234 Garland Avenue, expressed concern regarding increased traffic due to the on-site events. She suggested that Garland Avenue is too narrow to accommodate the traffic or parking that the proposed use would generate. She expressed concern about individuals having to travel the length of Garland Avenue to turn around.

Bill Tucker, 234 Garland Avenue, suggested that Garland Avenue is very narrow and the presence of many dogs, children and elderly individuals make it unsafe for a significant increase in traffic.

Wayne Ferguson, 304 S. Main Street, suggested that "bed and breakfast" should be better defined.

Rae Hart, 219 Garland Avenue, suggested that an increase in traffic on Garland Avenue will aggravate the safety problems created by cars driving too fast and the presence of children and dogs on Garland Avenue. She expressed concern about the event aspect of the proposal but suggested that the bed and breakfast portion was acceptable.

Janice Augustine, 138 Garland Avenue, explained that the "teas and dinners" portion of the application was an add-on and that the bed and breakfast portion was the primary element of the proposal. She agreed to withdraw the event portion of the application and to require all parking for the bed and breakfast operation to be on the Augustine site.

Duncan Augustine, 138 Garland Avenue, noted that her house has no large rooms that could support large events and that there is no good place on the property that could support the placement of a large tent.

Commissioner Leon Moss entered the meeting.

Phil Lamm, 231 Garland Avenue, came forward to suggest that previous events involving personal use of the property seem to be acceptable but the increase in frequency could be problematic.

Ann Garrison, 140 Garland Avenue, asked about the possibility of a fence being installed between her property and the Augustine's property.

There being no one else present who wished to speak, the public hearing was closed at 8:05 PM.

Mrs. Thompson made a motion that was seconded by Mr. Hart to recommend that the Town Council approve a special use permit for the property at 138 Garland Avenue that would feature the following:

- A 5-room bed and breakfast would be allowed to operate on the site,
- All parking associated with the bed and breakfast operation would be on-site,
- There would be no restaurant service other than breakfast for the bed and breakfast lodgers and
- There would be no events on the site that would involve people other than individuals lodging at the bed and breakfast.

The motion carried 5-0 according to the following:

Kevin Belcher	Absent	William Jones	Absent
June Driskill	Aye	Leon Moss	Aye
Ted Finney	Aye	Rachel Thompson	Aye
Clifford Hart	Aye		

## **Augustine Special Use Permit Application (138 Garland Avenue)**

April 30, 2014

Duncan and Janice Augustine have applied for a special use permit that would, if approved, allow a 5-room bed and breakfast along with on-site events such as wedding receptions and “teas” at their house at 138 Garland Avenue. The property (96A4-A-55 & 95A3-A3-11) contains 5.566 Ac and is zoned R-2.

County real estate assessment records indicate that the 7,964 SF dwelling there was built in 1789. The Augustines have owned the property since 1999; a detailed history of the site can be found in the documentation supporting its listing on historic register lists at [http://www.dhr.virginia.gov/register/Counties/Amherst/163-0003\\_Edgewood\\_2006\\_NR\\_final.pdf](http://www.dhr.virginia.gov/register/Counties/Amherst/163-0003_Edgewood_2006_NR_final.pdf). No new construction is contemplated under this proposal.

In addition to other regulations (i.e. access management criteria, health codes, lodging statutes and safety rules) that may apply to bed and breakfast operations but not administered by the Town, the Zoning and Subdivision Ordinance requires:

- approval of a Special Use Permit for a bed and breakfast as an accessory use (Table 7.1),
- the operator of the bed and breakfast establishment must be an owner/occupant (see Table 7.1),
- small identification signs for such establishments; these are allowed by right (Sec. 18.1-908.03a), and
- one parking space per bedroom plus two for the main dwelling (Sec. 18.1-602.06a&b) located behind the front setback (Table 7.1).

Typical issues that should be considered include the potential impact on the neighborhood (i.e. added traffic, signage, neighbor contact, encroachment of commercial into residential area, etc.) and how that part of S. Main Street is evolving into a more commercial/less residential area. For the Augustine application, the Town allowing a B&B to operate from an existing building might help to “save” it from deterioration in that it might help purchaser financing. A factor favoring the Augustine’s proposal is that although access is via Garland Avenue the property does front on S. Main Street.

Standards for the approval of special user permits can be found at Sec. 18.1-1003.03.4 of the Town Code. The Town’s noise ordinance can be found in Sec. 11-110.1 of the Town Code.

The Commission is scheduled to hold its required public hearing on this application during its meeting on May 7, after which it will be able to have debate on the issue and make a recommendation to the Town Council.

**PUBLIC HEARING NOTICE**

The Town of Amherst Planning Commission will hold a public hearing at 7:30 PM on May 7, 2014 in the Council Chambers of the Town Hall at 186 South Main Street.

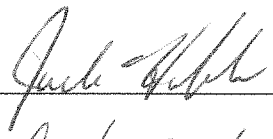
The subject of the hearing is a special use permit application by Duncan and Janice Augustine for property located at 138 Garland Avenue (TM# 96A4-A-55 & 95A3-A3-11), zoned General Residential District R-2). If approved, an owner-operated 5-room bed and breakfast along with on-site events such as wedding receptions and "teas" would be allowed at the site.

Documents relating to the request are available for public inspection in the Town Hall during normal working hours.

**AFFIDAVIT**

I hereby certify that, on April 7, 2014, this notice of public hearing was sent by first class mail to the last known address of the owners of neighboring property shown on the current real estate tax assessment books and as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended. The list of owners is below.

The required sign was erected on the site on April 7, 2014.

  
 Apr. 17, 2014  
 Date

Tax Map No.	Property Address	Owners Name	Mailing Address	
96A4 A 53	284 S Main St	Goodman Steve & Barbara	2675 Island Dr	N Topsail Beach, Nc 28460
96A4 A 54	286 S Main St	Campbell Wayne R & Barbara I	P O Box 247	Amherst, Va 24521
96A4 A 55, 96A3 A 11	138 Garland Ave	Augustine Duncan C Jr & Janice S	138 Garland Ave	Amherst, Va 24521
96A4 A 56	140 Garland Ave	Garrison Anne Day	P O Box 433	Amherst, Va 24521
96A4 A 61, 62	137 Garland Ave	Spalding Arthur W & Joan E	137 Garland Ave	Amherst, Va 24521
96A4 A 63	125 Garland Ave	Wray Lillian B	125 Garland Ave	Amherst, Va 24521
96A4 A 65	117 Garland Ave	Mawyer Curtis M Iii & Lauri D	117 Garland Ave	Amherst, Va 24521
96A4 A 66	113 Garland Ave	Sprouse Jessa Anne	113 Garland Ave	Amherst, Va 24521
96A3 A 8	330 S Main St	Shrader John T & Deborah S	P O Box 428	Amherst, Va 24521
96A3 A 9	304 S Main St	Ferguson Charles W & Robert W Reeves Jr	P O Box 1335	Amherst, Va 24521
96A3 A 12	327 S Main St	Sandidge William E & Harriette C	P O Box 100	Amherst, Va 24521
96A3 A 13	329 S Main St	Tuttle Gregory J & Denise H	329 S Main St	Amherst, Va 24521
96A3 A 14	343 S Main St	Jenkins Arthur Rex & Sunni P	1633 Spring House Trl	Virginia Beach, Va 23455
96A3 A 15, 16A	357 S Main St	Casrea Llc	129 Foxcroft Dr	Monroe, Va 24574
96A3 A 16, 16B	S Main St	Gentry Garland G	1045 Thomas Jefferson Rd	Forest, Va 24551
96A6 A 9A, 10	413 -419 S Main St	Hudson Abraham L & Lincoln	P O Box 110	Amherst, Va 24521

03/07/14

To: Jack Hobbs, Town Manager

We are submitting an application for a zoning certificate for special use as a Bed and Breakfast (B&B) lodge. This request has been discussed with our adjoining neighbors and we have received positive feedback.

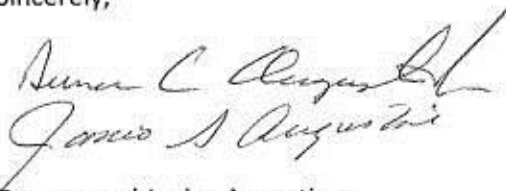
By allocating only five bedrooms for this business, we will not need to expand kitchen facilities and will have sufficient off street parking with 10 available spaces.

Marketing of our B&B will be minimal and will depend on word of mouth and especially targeting lodging for individuals attending Sweet Briar College special events. We plan to provide lodging on a year round basis. Easy access from Main Street and extensive landscaping will minimize the appearance of extra vehicles at our B&B.

In conjunction with our B&B special use permit, we would also request allowance for occasional special events on the site such as wedding type receptions and "teas". The large yards and gardens are well suited to provide a comfortable yet private setting for such functions.

We plan to utilize small identification signage facing Main Street to promote "Edgewood B&B". After reviewing the application for a zoning certificate for special use, we are available for additional information at (434) 946-5059.

Sincerely,

The block contains two handwritten signatures in cursive. The top signature is 'Duncan C. Augustine' and the bottom signature is 'Janice A. Augustine'. Both are written in dark ink.

Duncan and Janice Augustine

946-2687 (home)

944-1635 (Duncan cell)

944-1218 (Janice cell)



APPLICATION FOR SPECIAL USE PERMIT  
TOWN OF AMHERST  
POST OFFICE BOX 280  
AMHERST, VIRGINIA 24521  
(804) 946-7885

DATE \_\_\_\_\_

APPLICANT ADDRESS 138 Garland Ave OWNER ADDRESS 138 Garland Ave  
Amherst VA 24521 Amherst VA 24521  
CITY 434-946-2687 CITY 434-946-2687  
TELEPHONE NO. \_\_\_\_\_ TELEPHONE NO. \_\_\_\_\_

REPRESENTATIVE \_\_\_\_\_ ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ TELEPHONE NO. \_\_\_\_\_

LOCATION OF REQUEST 138 Garland Ave Amherst VA 24521  
TAX MAP NO. 96A4-A-55 LOT AREA 5.566 EXISTING ZONING Single Family  
PROPOSED SPECIAL USE Bed & Breakfast

STATEMENT BY APPLICANT See cover letter

Applicants are reminded that §18.1-1002 of the Town Code requires signs describing the action requested under this application to be posted on the property.

As (OWNER) (CONTRACT PURCHASER WITH OWNER'S WRITTEN CONSENT, ATTACHED) (OWNER'S AGENT) of the property listed above, I/we hereby petition the Amherst Town Council to rezone the above described property.

James Augustine 3/6/14  
Demon C. Augustine  
Signature of Applicant Date

PLANNING COMMISSION PUBLIC HEARING

Time \_\_\_\_\_ Date \_\_\_\_\_

PLANNING COMMISSION ACTION

\_\_\_\_\_  
Zoning Administrator Date

TOWN COUNCIL PUBLIC HEARING


Time \_\_\_\_\_ Date \_\_\_\_\_

TOWN COUNCIL ACTION

\_\_\_\_\_  
Clerk of Council Date

## Agent Detail Report

Listings as of 01/02/12 at 11:10am

Expired 12/31/11		Listing # 263714		138 Garland Ave Amherst, VA 24521		Listing Price: \$789,900	
		Area: Amherst					
	Prop Type		Residential		Prop Subtype(s)		Single Family
	County/City		Amherst				
	Beds		9		Est Total Finished Sq.Ft.		8000
	Baths(FH)		7 (7 0)				
	Year Built		1818		Lot Sq Ft (approx)		242455 ((Public Record))
	Tax Map/Pa		96A4-A-55		Lot Acres (approx)		5.566
	DOM/CDOM		382/562				

## School District Amherst

**Directions** From Lynchburg take 29 North to 2nd Amherst exit. Follow signs to 60 West and at traffic circle follow South Main Street to Garland Ave on left. First drive on right.

**Remarks** EDGEWOOD, CIRCA 1818. One of the oldest and largest homes in Amherst and certainly one of the most beautiful! Owners have lovingly restored this historic home on 5.6 acres which boasts 9 bedrooms, 7 full baths and 11 fireplaces! This unique property combines the best of the old with the best of the new with modern amenities found throughout. A two-story 3,500 square foot addition was added in 1972 which includes a luxurious master suite with a roman bath and a spacious recreation room featuring a cathedral ceiling with exposed trusses and a large brick fireplace. You will enjoy the park like grounds all year round with hundreds of daffodils and mature shrubbery blooming in the spring and a lovely perennial garden continuing well into fall. The pool area is private and inviting and offers a welcome respite on hot summer days. This grand home is a fabulous family home while also lending itself well to entertaining either inside or out. Call for a brochure of this incredible property.

**Agent-Only Rmrks** Shown by appt only. Call agent for lock box code.

**Legal Description** Beverly Hancock estate, plat recorded in deed book 699, page 557. Deed recorded in DB 773, page 865.

**Listing Agent** Mary C Snow (ID:2604) Primary:434-258-5860 Secondary:434-946-7346, FAX: 434-946-7346

**Listing Office** Mary Snow Realty (ID:372) Phone: 434-946-7346, FAX: 434-946-7346

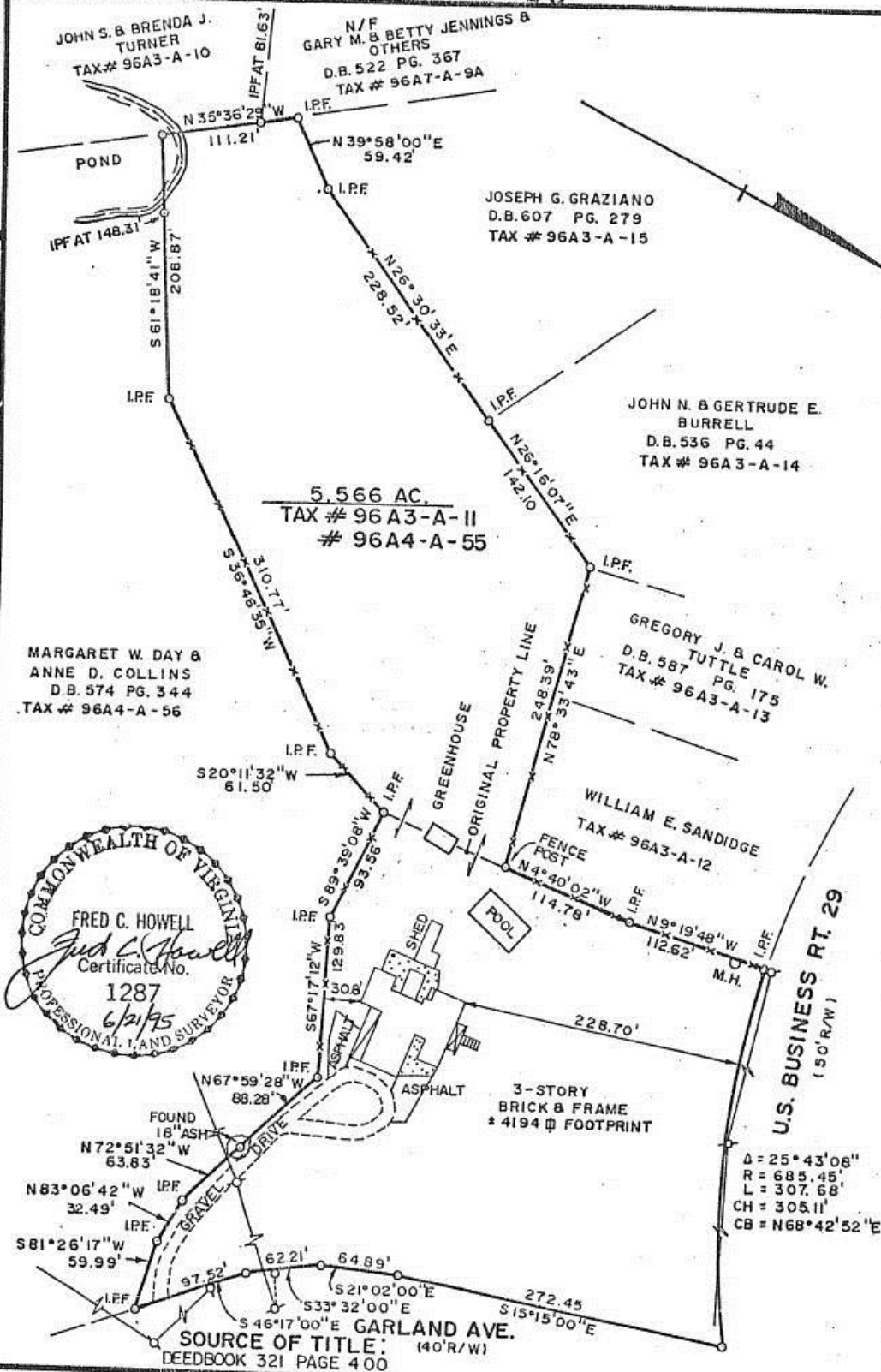
**Listing Date** 12/11/10

**Expiration Date** 12/31/11

**Compensation** 2.5 %

<b>Limited Services</b>	No	<b>Variable Comp.</b>	No
<b>Opt out of Internet</b>	No	<b>Publish Address</b>	Yes
<b>Allow Reviews</b>	No	<b>Allow Auto Estimate</b>	No
<b>Zoning</b>	R2	<b>Elementary School</b>	Amherst Elem
<b>Middle School</b>	Amherst Midl	<b>High School</b>	Amherst High
<b>Full Bath Level 1</b>	2, 3	<b>Full Bath Level 2</b>	4, 3
<b>Full Bath Level 3</b>	1	<b>Estimated Taxes</b>	\$3500
<b>Owner Name</b>	Duncan C. and Janice S. Augustine	<b>Est Fin SqFt Level</b>	13972
<b>Est Fin SqFt Level</b>	22744	<b>Est Fin SqFt Level</b>	31284
<b>Above Grade Fin SqFt</b>	8000	<b>Living Room</b>	18x16 Level: Level 2 Above Grade
<b>Family Room</b>	19x20 Level: Level 2 Above Grade	<b>Great Room</b>	19x29 Level: Level 1 Above Grade
<b>Den</b>	17x12 Level: Level 1 Above Grade	<b>Rec Room</b>	15x16 Level: Level 1 Above Grade
<b>Formal Dining</b>	19x20 Level: Level 1 Above Grade	<b>Kitchen</b>	18x20 Level: Level 1 Above Grade
<b>Laundry Room</b>	0x0 Level: Level 1 Above Grade	<b>Foyer</b>	8x20 Level: Level 2 Above Grade
<b>Master Bedroom</b>	30x25 Level: Level 1 Above Grade	<b>2nd Bedroom</b>	16x17 Level: Level 1 Above Grade
<b>3rd Bedroom</b>	13x16 Level: Level 2 Above Grade	<b>4th Bedroom</b>	14x15 Level: Level 2 Above Grade
<b>5th Bedroom</b>	19x20 Level: Level 3 Above Grade	<b>6th Bedroom</b>	18x16 Level: Level 3 Above Grade
<b>Office</b>	15x16 Level: Level 1 Above Grade	<b>Other Room 1</b>	16x17 Level: Level 2 Above Grade
<b>Room 1 Description</b>	music room	<b>Other Room 2</b>	16x17 Level: Level 3 Above Grade
<b>Room 2 Description</b>	bedroom	<b>Other Room 3</b>	12x14 Level: Level 2 Above Grade
<b>Room 3 Description</b>	bedroom	<b>Construction Status</b>	Completed
<b>Styles</b>	Other, See Remarks	<b>Stories</b>	Three Story
<b>Exterior Finish (AG)</b>	Brick, Wood Siding	<b>Heating System</b>	Electric Baseboard, Hot Water-Gas
<b>Appliance/Convey</b>	Dishwasher, Dryer, Range-Elec, Refrigerator, Self Cleaning Oven, Washer	<b>Laundry</b>	Dryer Connection, Laundry Room, Main Level, Separate Laundry Rm, Washer Connections
<b>Interior Features</b>	Ceiling Fans, Ceramic Tile Baths, Drywall, Great Room, High Speed Data Aval, Main Level Bedroom, Main Level Den, Master Bed w/ Bath, Paneling, Pantry, Plaster, Separate Dining Room	<b>Flooring</b>	Brick, Carpet, Ceramic Tile, Hardwood, Wood
<b>Basement</b>	Other	<b>Attic</b>	Pull Down
<b>Air Conditioning</b>	Central Gas	<b>Fireplace</b>	10 3+ Fireplaces, Den, Gas Log, Great Room, Leased Propane Tank, Living Room, Master Bedroom, Wood Burning
<b>Exterior Features</b>	In Ground Pool, Circular Drive, Landscaped, Secluded Lot, Tennis Courts Nearby, Golf Nearby, Ski Slope Nearby	<b>Building on Property</b>	Storage Building
<b>Roof</b>	Metal, Shingle	<b>Water Heater</b>	Electric
<b>Water</b>	City	<b>Sewer</b>	City
<b>To Show</b>	Appointment Only, Call Agent, Supra Lockbox, Occupied, Sign	<b>Documents on File</b>	Disclosure, Lead Based Paint, Survey





THIS PROPERTY IS LOCATED IN ZONE "C" (AREA OF MINIMAL FLOODING) ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP.

THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE TITLE.

THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE AS PER DATE OF THIS PLAT AND THERE ARE NO VISIBLE ENCROACHMENTS OR EASEMENTS EXCEPT AS SHOWN.

**BERKLEY • HOWELL & ASSOCIATES, P.C.**  
ENGINEERS • SURVEYORS • PLANNERS  
LYNCHBURG, VA.

PHYSICAL IMPROVEMENT RESURVEY OF  
**BEVERLY P. HANCOCK ESTATE**

TOWN OF AMHERST, VIRGINIA  
COMM. NO. 95319

SCALE: 1" = 100'  
TAX # 96A3-A-II & 55

DATE: JUNE 21, 1995

FB. REF. 95-3



## Adjacent property owner information for

Special Use Permit Application - Rezoning Application - Conditional Zoning Application - Variance Application - Appeal Application

§ 15.2-2204 of the Code of Virginia requires that a notice of pending action to be mailed to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie outside the Town; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000 feet of the affected property. The purpose of this form is to assist the applicant to collect the needed information from the Amherst County Commissioner of the Revenue's office.

Tax Map #	Physical Address	Owner's Name	Owner's Mailing Address
96A4A66	113 Garland Ave. Amherst, Va.	Jessa A. Sprouse	113 Garland Ave. Amherst, Va. 24521
96A4A65	117 Garland Ave. Amherst, Va.	Curtis M. & Laure D. Mawyer	117 Garland Ave. Amherst, Va. 24521
96A4A63	125 Garland Ave. Amherst, Va.	Lillian B. Wray	125 Garland Ave. Amherst, Va. 24521
96A4A62	131 Garland Ave. Amherst, Va.	Arthur W. & Joan E. Spalding	131 Garland Ave. Amherst, Va. 24521
96A4A61	137 Garland Ave. Amherst, Va.	Arthur W. & Joan E. Spalding	131 Garland Ave. Amherst, Va. 24521
96A4A60	139 Garland Ave. Amherst, Va.	Eugene J. Clarke, Jr.	139 Garland Ave. Amherst, Va. 24521
96A4A56	140 Garland Ave. Amherst, Va.	Anne Day Garrison	P.O. Box 433 Amherst, Va. 24521
96A3A12	327 S. Main St. Amherst, Va.	William E. Sandridge	P.O. Box 100 Amherst, Va. 24521
96A3A13	329 S. Main St. Amherst, Va.	Gregory Tuttle	329 S. Main St. Amherst, Va. 24521
96A3A14	343 S. Main St. Amherst, Va.	Arthur R. & Sunny P. Jenkins	1633 Spring House Trail VA Beach, Va. 23455
96A3A15	CASREA, LLC 357 S. Main St.	CASREA, LLC	129 Foxcroft Dr. Monroe, Va. 24574
96A3A16	S. Main St. Amherst, Va.	Garland Gentry	1045 Thomas Jefferson Rd. Forest, Va. 24551
96A4A54	286 S. Main St. Amherst, Va.	Wayne & Barbara Campbell	P.O. Box 247 Amherst, Va. 24521
96A3A9	304 S. Main St. Amherst, Va.	Charles W. Ferguson & Robert Reeves, Jr.	P.O. Box 1335 Amherst, Va. 24521

Applicants should use as many forms as are needed to provide the needed information.

Note: Applicants are reminded that §18.1-1002 of the Town Code requires signs describing pending action by the Planning Commission, Town Council or Board of Zoning Appeals to be posted when approval of a site plan, subdivision, special use permit, rezoning, conditional zoning, variance, or appeal is requested.



**Memo to File**

**RE: Preapplication Meeting  
Augustine Bed and Breakfast Proposal – 138 Garland Avenue**

**DA: February 3, 2014**

**BY: Jack Hobbs, Town Manager**

I organized a preapplication meeting per §18.1-1002.03.02 of the Town Code in re Duncan and Janice Augustine's bed and breakfast proposal that was held today at 5:00 PM in the Town Hall. Individuals present included Paul Kilgore, Rachel Thompson and me (for the Town) and owners Duncan and Janice Augustine. The owner's contact information is: Duncan C., Jr & Janice S. Augustine; 138 Garland Ave; Amherst, VA 24521; B: 946-5059; H: 946-2687.

Dr. Augustine presented his request which is further explained in his January 25, 2014 letter (attached). Four or five bedrooms at 138 Garland Avenue would be allocated to the "bed and breakfast" operation. Events on the site such as wedding receptions or "teas" would be possibilities. Year round operation is proposed with lodging for special events at Sweet Briar College being targeted. The property (96A4-A-55 & 95A3-A3-11) contains 5.566 Ac and is zoned R-2. County real estate assessment records indicate that the 7,964 SF dwelling was built in 1789. The Augustines have owned the property since 1999; a detailed history of the site can be found in the documentation supporting its listing on historic register lists at [http://www.dhr.virginia.gov/register/Counties/Amherst/163-0003\\_Edgewood\\_2006\\_NR\\_final.pdf](http://www.dhr.virginia.gov/register/Counties/Amherst/163-0003_Edgewood_2006_NR_final.pdf). No new construction is contemplated under this proposal.

I advised that the Zoning and Subdivision Ordinance requires owner/occupants to operate bed and breakfast establishments (see Table 7.1) and that a Special Use Permit would need to be approved for an owner-operated B&B as an accessory use. See Sec. 18.1-908.03(a) which allows small identification signs for such establishments. Note the parking space number (one per bedroom plus two for the main dwelling) and location requirement (behind front setback).

I advised that other regulations (i.e. access management criteria, health codes, lodging statutes and safety rules) may apply to bed and breakfast operations but these are not administered by the Town. Issues that would be considered include the potential impact on the neighborhood (i.e. added traffic, signage, neighbor contact, encroachment of commercial into residential area, etc.) and how that part of S. Main Street is evolving into a more commercial/less residential area. I noted that the Town allowing a B&B to operate from an existing building might help to "save" it from deterioration in that it might help purchaser financing. A factor favoring the Augustine's proposal is that although access is via Garland Avenue the property fronts on S. Main Street.

I gave Dr. Augustine the special use permit application package as well as the application fee schedule from the Town's web site. It was strongly suggested that he solicit and address feedback from her neighbors before filing any formal application. I advised that the deadline for the ordinance change and special use permit processes is the Wednesday before the first Wednesday of the month (for the two-hearing processes).

The meeting adjourned at about 5:45 PM.

Rec'd 1/27/2014

01/25/14

To: Jack Hobbs, Town Manager

We are currently evaluating using four bedrooms of our residence as Bed and Breakfast (B&B) lodging. This proposal has been discussed with our adjoining neighbors and we have not received any negative feedback.

By allocating only four bedrooms for this business, we will not need additional kitchen facilities and will have sufficient parking-currently ten off street parking spaces are available.

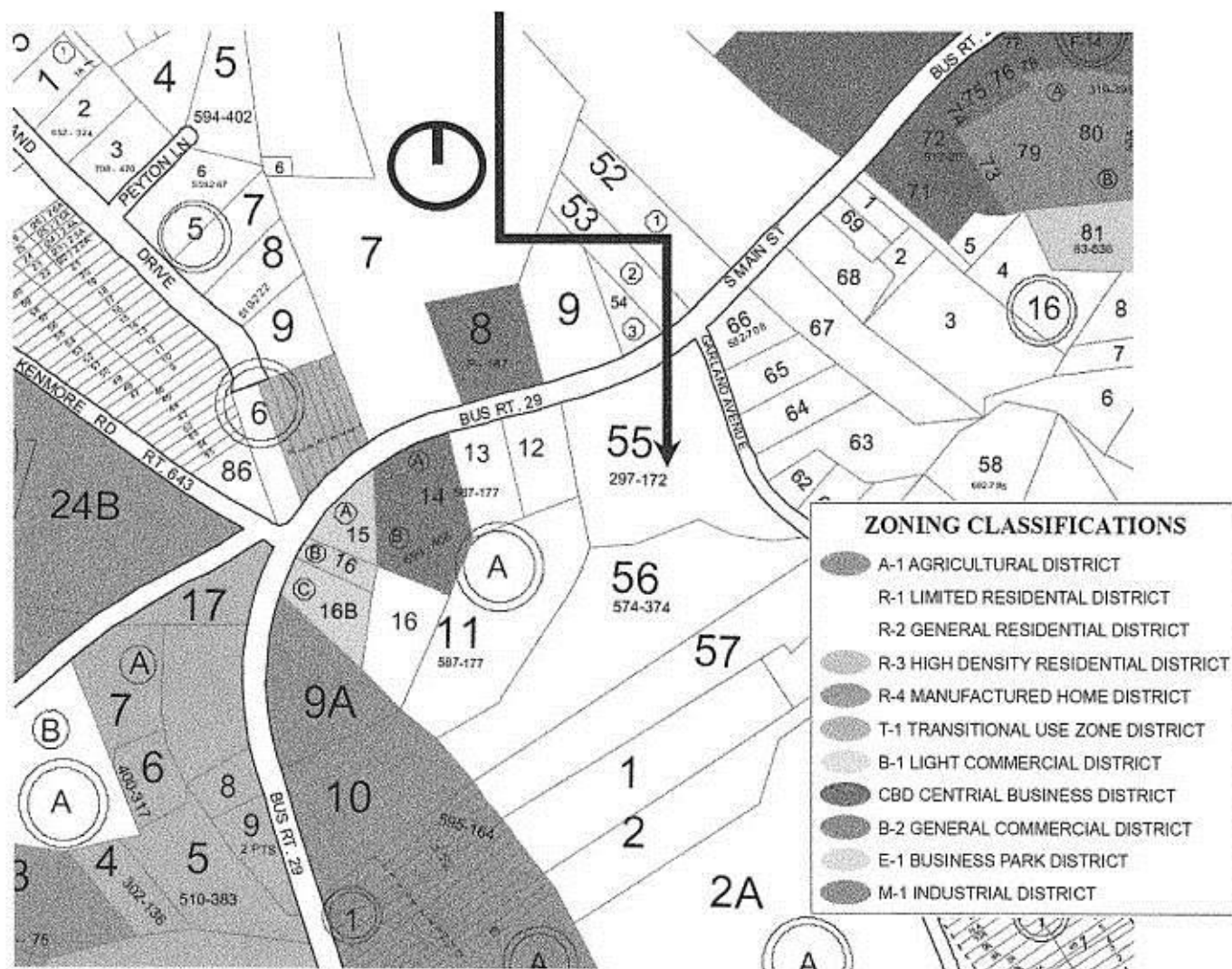
Marketing of our B&B will be minimal and will depend on word of mouth and especially targeting lodging for Sweet Briar College special events. We plan to operate on a year round basis. Easy access from Main Street and great landscaping will minimize the appearance of extra vehicles at our B&B.

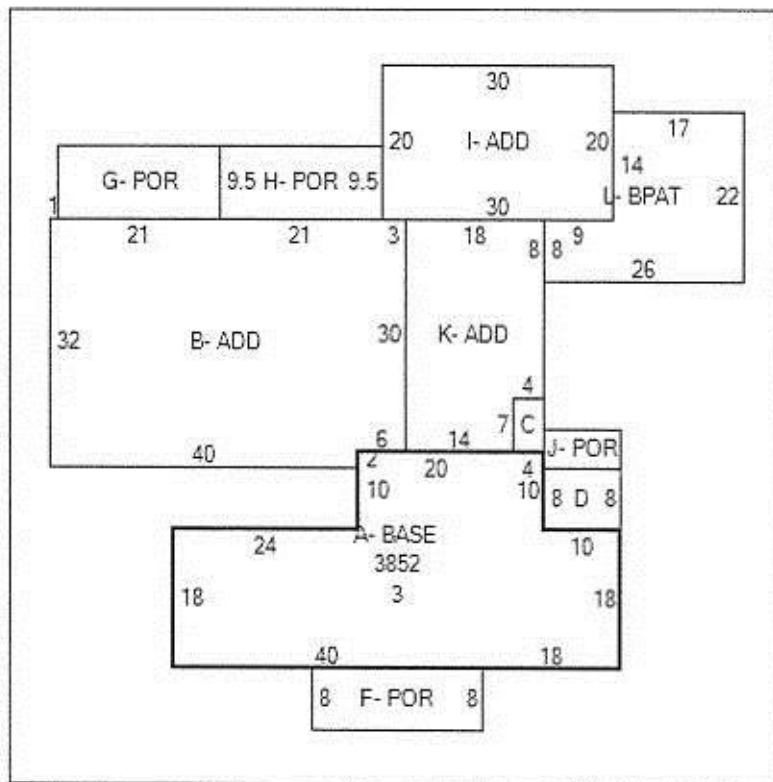
We plan to utilize small identification signage facing Main Street to promote "Edgewood B&B". We request a pre-application meeting and if any additional information is needed, please contact us at 946-5059.

Sincerely,

A handwritten signature in black ink, appearing to read "Duncan C. Augustine". The signature is fluid and cursive, with the first name "Duncan" being the most prominent.

Duncan and Janice Augustine



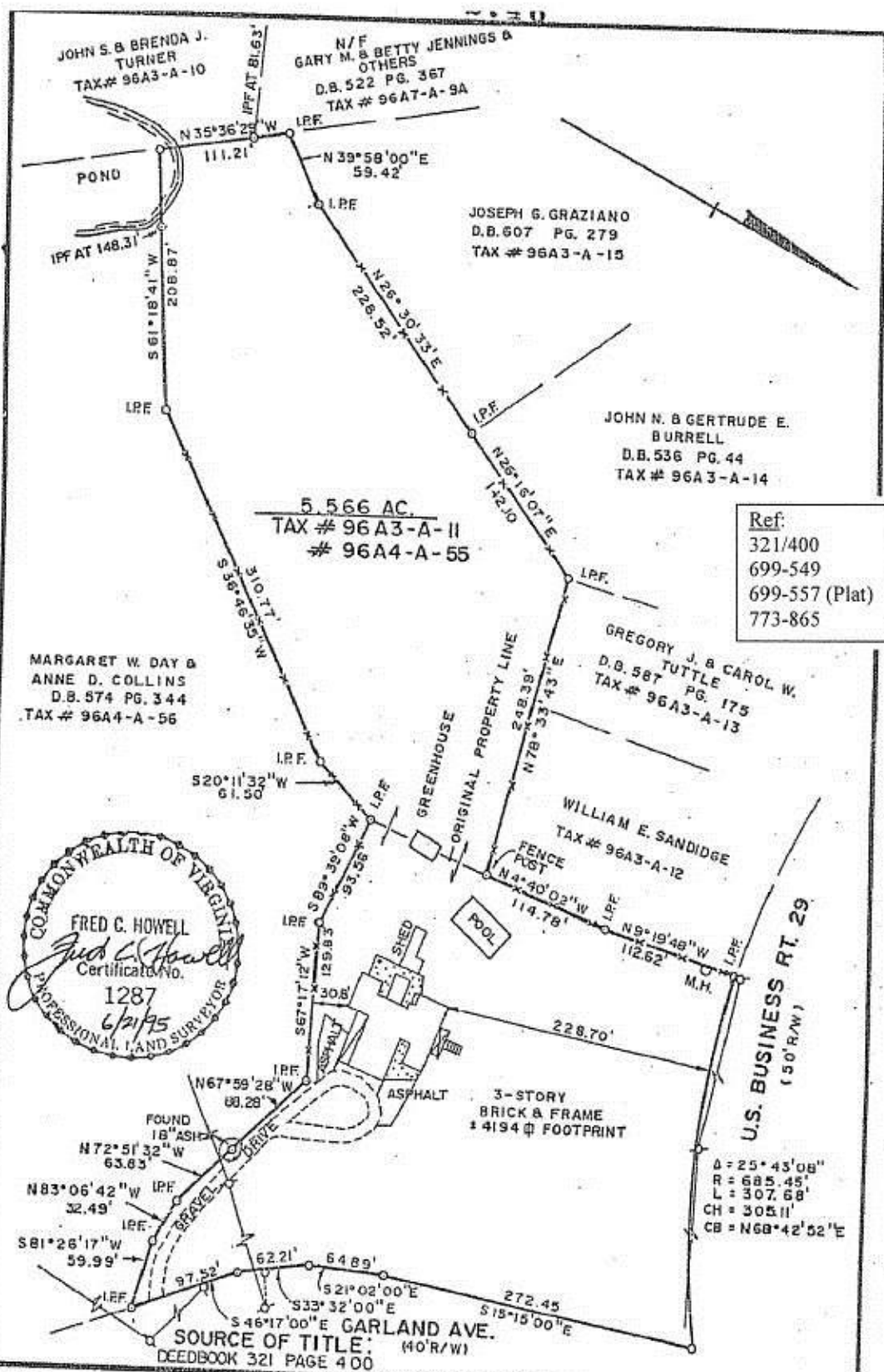


Sect	Type	Stories	SqFt
A	Main Structure	3.00	3,852
B	Addition	2.00	2,920
C	Storage	1.00	28
D	Addition	1.00	80
F	Porch	2.00	352
G	Porch	1.00	199
H	Porch	1.00	199
I	Addition	1.00	600
J	Porch	1.00	50
K	Addition	1.00	512
L	Brick Patio	1.00	446

Other Improvements -	
Description:	Size in Sq. Ft.
Shed-frame	200
Patio-brk-att	440
Shed-frame	168
Pavement	N/A
Swimming Pool	800

Source: <http://vamanet.com/cgi-bin/MAPSrchPGM?LOCAL=AMH>





Ref:  
321/400  
699-549  
699-557 (Plat)  
773-865

THIS PROPERTY IS LOCATED IN ZONE "C" (AREA OF MINIMAL FLOODING) ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP.

THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE TITLE.

THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE AS PER DATE OF THIS PLAT AND THERE ARE NO VISIBLE ENCROACHMENTS OR EASEMENTS EXCEPT AS SHOWN.

**BERKLEY • HOWELL & ASSOCIATES, P.C.**  
ENGINEERS • SURVEYORS • PLANNERS  
LYNCHBURG, VA.

PHYSICAL IMPROVEMENT RESURVEY OF  
**BEVERLY P. HANCOCK ESTATE**

SCALE: 1" = 100'

DATE: JUNE 21, 1995

TOWN OF AMHERST,  
COMM. NO. 95319

VIRGINIA

TAX # 96A3-A-11 & 55

FB REF 95-3



**Excerpts from Town of Amherst Zoning and Subdivision Ordinance in re Bed & Breakfasts**  
2/3/2014

*The Zoning and Subdivision Ordinance is available online at Chapter 18.1 of the Town Code under the "town code" button at [www.amherstva.gov](http://www.amherstva.gov). Excerpts that regulate bed and breakfast establishments follow:*

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**This definition is at Sec. 18.1-302.11:**

*Bed and breakfast lodging.* A single family dwelling containing sleeping and breakfast accommodations as an accessory use to the principal use. Such lodging shall have no more than five (5) room accommodations for transient persons and wherein a charge is normally paid for such accommodations.

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**A Special Use Permit is required before a bed and breakfast operation can be established in the R-2 zone, and such operations are limited per Table 7.1 on p. 51:**

Bed and Breakfast lodging, provided that the owner and family must occupy the residence and own the business, the single-family dwelling appearance be maintained, and adequate off-street parking is provided to the rear of the front setback of the dwelling.

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Sign regulations can be found at Sec. 18.1-908. Signs advertising bed and breakfast establishments are limited residential zones to Sec. 18.1-908.03 which says:

Sign permits shall not be required for the following signs; however, all other applicable regulations of this Ordinance shall apply:

- a. Address or identification signs. Signs not exceeding one (1) square foot in area, attached flat against a building or mailbox, or mounted on a post no greater than three (3) feet in height, indicating the address or name of a building occupant.

**The Town's policy on preapplication conferences can be found at Sec. 18.1-1002.03.02.**

**Application procedures for ordinance amendments can be found at Sec. 18.1-1004.**

**Application procedures for special use permits and associated "findings" requirements can be found at Sec. 18.1-1003.03.**

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*Application forms can be accessed under the "forms" button at [www.amherstva.gov](http://www.amherstva.gov).*

**Sec. 18.1-1003.03 Application procedures for special use.**

Applications for a zoning certificate for a special use shall be submitted to the zoning administrator, who shall refer the application to the Planning Commission, for a public hearing. Applications for zoning certificates for special uses must be submitted in accordance with the following procedures:

1. An application shall be accompanied by an approvable site plan with all associated documentation as required under Article XI hereunder.
2. The application shall be sent to the commission. The commission shall present its recommendations to the Town Council. Failure of the commission to report 100 days after the first meeting of the commission after the proposed special use permit has been referred to the commission shall be deemed approval unless the application has been withdrawn by the applicant prior to the expiration of the time period. In the event of and upon such withdrawal, processing of the proposed special use permit shall cease without further action as otherwise would be required.
3. The Town Council shall consider the proposed special use after notice and public hearing in accordance with Section 15.2-2204 of the Code of Virginia, 1950, as amended. All motions, resolutions or petitions for the proposed special use permit shall be acted upon and a decision made within such reasonable time as may be necessary but not exceeding 12 months from the date the applicant files a complete application unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for a special use permit. In the event of and upon such withdrawal, processing of the motion, resolution or petition shall cease without further action as otherwise would be required by this section.
4. In addition to the specific requirements for special use as specified in this article, the Town Council shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:
  - a. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Town's comprehensive plan and/or this article;
  - b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
  - c. Will not be hazardous or disturbing to existing or future neighboring uses;
  - d. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
  - e. Will not create excessive additional requirements at public costs for public facilities and services and will not be detrimental to the economic welfare of the community;
  - f. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or water pollution;
  - g. Will have vehicular approaches to the property which shall be so designed as not to create any interference with traffic on surrounding public streets or roads; and

- h. Will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance. }
5. Conditions set forth above and in Article XI for the various special use are minimum. In approving a proposed special use, Town Council may stipulate such additional requirements as are necessary to the public interest. The Town Council may require the applicant to furnish a performance bond in an amount sufficient for, and conditional upon, the fulfilling of any and all conditions and requirements stipulated by the respective board.
  6. If the Town Council approves the application for a zoning certificate for a proposed special use, the zoning administrator shall issue a zoning certificate in accordance with paragraph 18.1-1003.02 herein, indicating the special nature of the use.
  7. If the Town Council disapproves the application for a zoning certificate for a proposed special use, the Town Council shall inform the applicant of the decision in writing within sixty (60) days from the date of the public hearing, stating the reasons for disapproval. The zoning administrator shall retain one (1) copy of the site plan and two (2) copies of the refusal, and keep them as a public record.
  8. Substantially the same petition affecting the same land shall not be considered within any twelve (12) month period.
  9. Prior to an expansion of an approved special use, the owner, or his agent, must submit an application for an amended zoning certificate application for a special use, in accordance with the special use provisions herein, whenever the cumulative expansion, or expansions, exceeds twenty-five (25) percent in the aggregate of floor area of the structure, or use, originally approved for the current special use.

**Sec. 18.1-1003.04      Expiration.**

A zoning certificate shall automatically expire twelve (12) months from the date of issuance if the persons, firm, or corporation to which the certificate was issued has not clearly demonstrated that the certificate is being exercised for the purpose for which it was issued, or if the work so authorized is suspended or discontinued for a period of twelve (12) months.

**Sec. 18.1-1003.05      Certificate of zoning compliance.**

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the zoning administrator, or his appointed agent, stating that the proposed use of the building or land conforms to the requirements of this ordinance in accordance with the approved zoning certificate or variance. A certificate of use or occupancy, as required in Section 119.0 of the county building code, shall not be issued by the building inspector until a certificate of zoning compliance has been issued. For convenience and at the discretion of both the zoning administrator and the building inspector, the certificate of zoning compliance and certificate of use or occupancy may be combined as one certificate.

## (A) Declaration of findings and policy

At certain levels, noise can be detrimental to the health, welfare, safety, and quality of life of the inhabitants of the town, and it is in the public interest that noise should be restricted. It is, therefore, the policy of the town to reduce and eliminate where possible, excessive noise and related adverse conditions in the community and to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power.

## (B) Definitions

- (1) *Device* means any mechanism which is intended to, or actually produces noise when operated or handled.
- (2) *Excessive noise* means any sound which annoys or disturbs humans, or which causes or tends to cause an adverse psychological or physiological effect on humans. Specific examples of prohibited excessive noise are set forth in section 10-29 of this chapter.
- (3) *Emergency work* means work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from immediate exposure to danger, including work performed by public service companies when emergency inspection, repair of facilities, or restoration of services is required for the immediate health, safety or welfare of the community.
- (4) *Vehicle* means any vehicle including, but not limited to, passenger cars, trucks, truck-trailers, semitrailers, and any type or drawn trailer, campers, motorboats and racing vehicles; and any motorcycle (including but not limited to motor scooters and mini bikes) as defined in the Code of Virginia, Section 46.2-100.
- (5) *Noise* means any sound which may cause or tend to cause an adverse psychological or physiological effect on human beings.
- (6) *Person* means any individual, corporation, cooperative, partnership, firm, association, trust, estate, private institution, group agency, or any legal successor, representative, agent or agency thereof.
- (7) *Public right-of-way* means any street, avenue, boulevard, highway, alley or public space which is owned or controlled by any public government entity.
- (8) *Residential area* means any street or highway within the town where sixty percent or more of the improved property is occupied by dwellings not used for business purposes.
- (9) *Sound* means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
- (10) *Sound pressure* means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space.
- (11) *Stationary noise source* means any equipment or facility, fixed or moveable, that is capable of emitting a sound beyond the property boundary of the property on which it is used.
- (12) *Zoning district classification* refers to the Town of Amherst Zoning Ordinance.

(C) Specific prohibitions. The following acts are declared to be excessive noise in violation of this section, provided that the acts so specified shall not be deemed to be an exclusive enumeration of those acts which may constitute a excessive noise under paragraph (c) and provided that the acts so specified below may still constitute a noise disturbance under paragraph (c) independently of the hours of the day the acts take place.

- (1) Operating or permitting the use or operation of any radio, receiving device, musical instrument, television, phonograph, or any other similar device producing sound between the hours of 7:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible across property boundaries or through partitions common to two (2) residences within a building.
- (2) The operation of equipment or other devices making noise between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible across property boundaries or through partitions common to two (2) residences within a building.
- (3) Yelling, shouting, hooting and hollering, whistling or singing on public or private property in such a manner as to be plainly audible across property boundaries or through partitions common to two (2) residences within a building between the hours of 10:00 p.m. and 7:00 a.m.

(D) Prohibited vehicle noise.

- (1) It shall be unlawful for any person while operating a motor vehicle within the town on public or private property to create in the operation thereof any prohibited noise. In operating such vehicle the following acts are considered a violation of this section, but shall not be deemed to be exclusive:
  - a. The practice of unnecessarily retarding the spark to the motor of a vehicle and thereby causing excessive noise from the motor that is plainly audible at a distance of fifty (50) feet or more from its source.
  - b. In starting a vehicle from a standing position, the practice of gaining speed in a manner which is unnecessarily rapid and thereby causing excessive noise from the motor and the screeching of tires or either of such noises; or in such a manner as to be plainly audible at a distance of fifty (50) feet or more from its source.
  - c. The practice of coming to an unreasonably rapid stop with a vehicle and thereby causing excessive grinding of brakes and screeching of tires or either of such noises; or in such a manner as to be plainly audible at a distance of fifty (50) feet or more from its source.
  - d. The operating of vehicles off road, creating excessive noise plainly audible across a residential real property boundary in such a manner that causes a noise complaint to be filed by any nearby property owner or resident; or in such a manner as to be plainly audible at a distance of fifty (50) feet or more from its source.
  - e. Operating or permitting the use or operation of any radio receiving set or any other device producing sound in motor vehicles within the town in such a manner as to be plainly audible at a distance of fifty (50) feet or more from such motor vehicle.
  - f. Operation of a motor vehicle or operation of a motorcycle within the town with a gutted muffler, muffler cutout, straight exhaust, or without an exhaust in good working order, as provided by Code of Virginia, 46.2-1047 and 46.2-1049.

(E) Sound-amplifying equipment.

- (1) Except pursuant to a permit issued by the office of the town manager, the use in, on or attached to any motor vehicle operating on any highway or parking lot which is open to the public within

the town, of any radio, phonograph, musical instrument, bell, whistle, loudspeaker, amplifier or device of any kind whatsoever whereby sound is cast on any highway, street or parking lot which is open to the public to promote the sale of goods, wares, or merchandise or for the purpose of advertising auction sales, sporting events or other business or things advertised thereby is prohibited. The use of a loudspeaker on a motor vehicle for making auction sales on streets or highways or on any property then being sold shall not be construed as a violation of this paragraph when such use is limited strictly to the selling of such property.

- (2) Except pursuant to a permit issued by the office of the town manager, the use of any radio, phonograph, musical instrument, bell, whistle, loudspeaker, amplifier or device of any kind whatsoever whereby sound is cast on any highway, street or across property boundaries is prohibited. The use of a loudspeaker for making auction sales on the property being sold shall not be construed as a violation of this paragraph when such use is limited strictly to the selling of such property.
  - (3) Any permit issued by the office of the town manager for the use of any sound amplifying equipment shall be subject to the following regulations:
    - a. The only sound permitted is music and human speech.
    - b. May only operate during the hours specified within the permit.
    - c. Human speech and music amplified shall not be lewd, indecent, slanderous or tend to incite riotous or other unlawful conduct.
    - d. Must operate within any restrictions as specified on the permit.
  - (4) A fee of twenty five dollars (\$25.00) shall be imposed for each permit issued.
- (F) The following specific activities are exempt from the provisions of this section.
- (1) The use of intercoms or paging systems by businesses located in commercial areas shall not be construed as a violation of this paragraph provided that the sound systems are used for paging purposes only.
  - (2) Sound amplifying equipment used at public parks, recreation fields or schools are exempt from the provisions of this section.
  - (3) Fireworks utilized under permit.
  - (4) Clock chimes, bells and music played for a call to worship between the hours of 8:00 a.m. and 9:00 p.m.
  - (5) Motor vehicles or instruments used during duly authorized parades or wedding processions shall be exempt from the provisions of this section.
  - (6) All motor vehicles or devices used for the purpose of sweeping, blowing or cleaning business parking lots between the hours of 6:00 a.m. and 12:00 midnight shall be exempt from the provisions of section (I) subsection (2)(c) only, provided such business is located in a properly zoned district.
  - (7) All motor vehicles or equipment owned or contracted by a government entity, including volunteer emergency services, or other public utility, or contractor thereof being operated on an emergency basis, or for the purposes of necessary repairs or maintenance of highways or other public utilities shall be exempt from the provisions of this section.

- (G) Penalties. The provisions of this article shall be punishable by a fine not to exceed two hundred fifty dollars (\$250.00).
- (H) Enforcement. The provisions of this section shall be enforceable by the police department.
- (I) Emergency exception. The provisions of this section shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency, nor to the emission of sound in the performance of emergency work.

*(Adopted December 10, 1997; amended October 12, 2011.)*



140 Garland Avenue  
Amherst, VA 24521  
April 27, 2014

Mr. Jack Hobbs  
P.O. Box 280  
Amherst, VA 24521

Dear Mr. Hobbs:

By way of introduction, my name is Anne Day Garrison. I own and reside at 140 Garland Avenue in the town of Amherst. I have lived in this location for the past sixty years, as did my parents before me. My property lies adjacent to the property of Duncan and Janice Augustine, 138 Garland Avenue.

I understand that the Augustines have applied for a permit for an owner-operated five room bed and breakfast to be located on the 138 Garland Avenue property. In addition they are requesting a permit to allow "on site" events. While I may be able to support the five room bed and breakfast, I am very much opposed to the "on site" events.

To accommodate for site events will require physical changes to the 138 Garland Avenue property. I am concerned that in the future the view from my home will include a parking lot. An increase in traffic and noise will also be of concern. Many wedding events employ bands, and this will have a definite negative effect on the peace and quiet I now enjoy. With the "on site" events permit, it is possible that such events could occur several times a month if not every weekend, and continue well into the night.

Another concern is the impact this will have on other properties in the area. How will this affect the surrounding properties? Will prospective buyers be willing to purchase homes in a neighborhood with a noise generating business? Garland Avenue needs to remain the quaint and peaceful street that it is and always has been.

Again, as an owner of an adjacent property to 138 Garland Avenue, and a member of the Garland Avenue community, I am very opposed to the "on site events" proposal of the Augustines' petition.

Respectfully,



Anne Day Garrison

20134433  
Amherst VA 24521

April 29, 2014  
234 Garland Avenue  
Amherst, VA 24521

Mr. Jack Hobbs  
P.O. Box 280  
Amherst, VA 24521

Dear Mr. Hobbs,

As town residents that reside at 234 Garland Avenue, we are opposed to the zoning request for a special use permit by Duncan and Janice Augustine for the 138 Garland Avenue property.

The increased traffic and parking on Garland Avenue will be a major disruption for property owners on Garland Avenue. People attending events and vendors will want to park on Garland Avenue to get out quicker and will have to use the cul de sac to turn around.

At best, there would need to be an entrance from Main Street onto the 138 Garland Avenue property to alleviate the traffic congestion at the entrance of Garland Avenue. On site events will create excessive production of traffic and noise.

As homeowners on Garland Avenue, we want our neighborhood to remain residential.

Respectfully,



William H. Tucker



Ann G. Tucker

# Petition

Special use permit application by Duncan and Janice Augustine for property located at 138 Garland Ave. Amherst, VA

We, the undersigned citizens urge the Zoning Commission to deny a request by Duncan and Janice Augustine for a variance allowing their home to become a Bed and Breakfast / Special Events destination

Printed name	Signature	Address	Comment	Date
William Tucker	[Signature]	234 Garland		5/2/14
Ann Tucker	[Signature]	234 Garland Ave		5/2/14
Robert Ream	[Signature]	304 S. Main		5-1-14
CW FERGUSON	[Signature]	304 S MAIN	TRAFFIC AND NOISE CONCERNS	5-3-14
MARYANNA PENN	[Signature]	Maryanna Penn	172 Seall Hill Rd, PO Box 194	5-3-14
CLAUDIA SZARNICKI	[Signature]	133 LOCK LANE		5-3-14
MILDRED SZARNICKI	[Signature]	129 MEADOW GREEN CT		5-3-14
Helen Minter	[Signature]	232 N. Main		5-3-14
William BARACK	[Signature]	240 GARLAND AVE		5/3/14
Rose BARCASK	[Signature]	240 GARLAND AVE		5-3-14
Anne D'Girard	[Signature]	140 GARLAND AVE		5-3/14
Phil Lamm	[Signature]	231 GARLAND AVE		5-3-14
Sue Lamm	[Signature]	231 Garland Ave		5/4/14
Greg Engle	[Signature]	241 Garland Ave		5/4/14
M. Elina Robertson	[Signature]	252 GARLAND AVE		5/4/14
Joyce Kumbay	[Signature]	250 Garland Ave	NO OBJECTION TO JUST B+B - EVENTS NO	5/4/14
Lillian B. Wray	[Signature]	125 Garland Ave		5/4/14
Nancy H. Herr	[Signature]	163 Garland Ave.	No objection to just B+B - No events	5-14-14
Jeremy Layne	[Signature]	113 " "	" "	5/4/14
David Clay	[Signature]	202 Garland	NO DBS TO B+B	5/4/14
Beth Gregg	[Signature]	206 Garland	Parking/Blocking Rd	5/4/14
Dolores S. Robertson	[Signature]	252 GARLAND AVE		5/4/14
Dolores S. Robertson	[Signature]	247 GARLAND AVE		5/4/14
Noel Robinson	[Signature]	212 Garland Ave		5/4/14

# Petition

Special use permit application by Duncan and Janice Augustine for property located at 138 Garland Ave. Amherst, VA

We, the undersigned citizens urge the Zoning Commission to deny a request by Duncan and Janice Augustine for a variance allowing their home to become a Bed and Breakfast / Special Events destination

Lauri Mawyer	Lauri Mawyer	117 GARLAND AVE	Parking / Noise	5/1/14
Curtis Mawyer	Curtis Mawyer	117 Garland Ave	Parking / Noise	5/4/14
Joan E. Spalding	JOANE SPALDING	137 GARLAND AVE	" "	5/4/14
JOANE SPALDING	Joan E. Spalding	131 Garland Ave.	" "	5/4/14
ARTHUR W. SPALDING	Arthur W. Spalding	137 GARLAND AVE	Parking / Noise	5/4/14
ARTHUR W. SPALDING	Arthur W. Spalding	131 GARLAND AVE	Parking / Noise	5/4/14
Madalyn D. Mawyer	Madalyn D. Mawyer	227 Garland Ave	Parking / Noise	5/4/14
ADAM BANCROFT	ADAM BANCROFT	193 "	NOT OFFERED TO B&B CONCERNED IN GARLAND ENFORCEMENT	5/1/14
Adam Bancroft	Adam Bancroft	222 GARLAND AVE	TRAFFIC / CHILDREN	5/7/14
MIKE CHARLES	MIKE CHARLES	139 GARLAND AVE	Traffic / Parking	5/7/14
Stephen Tobey	Stephen Tobey	219 S. Main St.	Parking / Noise	5/7/14
Pat Malchow	Pat Malchow	154 Garland Ave	Parking / Noise	5/7/14

04/20/2014

To Whom It May Concern:

The matter of asking for special use permit for the home and parcel of land belonging to Dr. and Mrs. Augustine has become a big concern to some of the neighbors on Garland Avenue and the immediate area as we realize what complications for such a change could bring about at that location.

There is not sufficient parking for even a modest wedding of 100 people or even less. The driveway to the home in question is off of Garland Avenue and side by side with the next door neighbor's driveway. To hopefully prevent the wrong driveway from being entered I imagine a commercial sign designating the bed and breakfast will be erected at the foot of the driveway along with one at the corner of Garland Avenue and Main Street. The signage would be permitted with the new special use permit. The existing driveway is gravel and with the traffic it gets from the homeowners it regularly washes silt and gravel out into and across the street causing a bump in the road which makes for awkward driving when meeting another car there. Increased traffic on that driveway without paving and proper drainage control will only make this situation, which needs to be looked into, even worse. Parking in the past for parties at that location has been on Garland Avenue and Main Street which causes a dangerous situation for those trying to enter or exit Garland Avenue. The extra street parking for these events would cause more traffic load on Garland Avenue with people traveling to the cul de sac to turn around or using any of the driveways to turn around as they see fit.

The noise level, traffic and refuse from an event would change the quality of life for those living close by. This is not the type of neighborhood that the present homeowners surrounding the property in question expected when they purchased their homes and it should not be thrust upon them.


The Augustines have been great neighbors and a wonderful addition to the community. The idea of a limited occasional bed and breakfast for a few visitors would probably not be a problem as long as the visitors do not wander or drive onto adjoining properties. The problem lies with what the permit would allow and what that option could potentially become. The home in question has been on the market in the past and it did not sell. I am sure that this new usage permit would make this property more valuable to some who may want to buy it for commercial purposes. The fallout from the special usage permit impacts the neighbors living around it and they would have to live with whatever events, etc. were allowed. I am sure that some neighbors, out of good will and consideration for the Augustines, will remain quiet and hope this does not pass without their objections. If the change is allowed, the neighbors on Main Street and all the residents of Garland Avenue would feel the sting of it for a lifetime.

It is unfortunate to be asked to change your neighborhood's way of life to accommodate one neighbor's

wishes to prosper by changing the permitted use to be something other than it was originally purchased for. It is also unfortunate when you want to remain on good terms with these neighbors and members of the community and have to speak out against their wishes.

I feel that this request for a special usage permit for this property, seeing that both of the Augustines have successful careers and have wanted to sell this home in the past, is just a plan to give a more valuable designation to the property to attract more buyers at a higher price without regard to how it may impact the surrounding neighbors.

Respectfully,

  
Anne J. Tuck  
Phil Lamm  
Joe Lamm  
BC Ford  
M. Sami Khatib for  
William B. Wray  
Joan E. Spalding - 137 Garland Ave  
Joan E. Spalding - 131 Garland Ave.  
Arthur W. Spalding - 137 GARLAND AVE  
Arthur W. Spalding 131 GARLAND AVE  
Madeline D. Wray 227 Garland Ave.  
Stephen W. Tidy 279 S. Main Street.  
Pat M ~ 154 Garland Ave